IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 123 of 2001
(Old No. 5700 of 1999)

Baljor Singh S/o Hirday Ram
R/o Village Gangdaspur
P.S. Jhabreda, District Haridwar .... Applicant

Vs

1. The State of U.P.
2. Karm Singh S/o Ridhwa
3. Dharm Singh S/o Ridhwa
   Both R/o Village Datiyana
   P.S. Chhapar
   District Muzaffar Nagar .... Opp. Parties

Hon'ble B.C. Kandpal, J.

This petition has been filed by the applicant against the judgment and order dated 29.09.1999 passed by Sessions Judge, Haridwar in Criminal Revision No. 468 of 1999 Baljor Vs State arising out of the order dated 03.07.1999 passed by the Judicial Magistrate, Roorkee in Criminal Misc. Case No. 165 of 1999 under Sections 156(3) of Cr.P.C.

2. Brief facts of the case are that the complaint was filed by he petitioner against the respondents No. 2 and 3 alleging therein that his motor cycle was snatched by the accused/respondents No. 2 and 3. In this petition the Magistrate called for the report from the police and after examining the report submitted by the police, the Magistrate came to the conclusion that prima facie case against the respondents No. 2 and 3 was not made out. The allegation made in the complaint were also doubtful in view of the prevailing circumstances of the case. The Magistrate accordingly vide order dated 03.07.1999 rejected the application filed by the petitioner under Section 156(3) of the Cr.P.C.

3. A revision was preferred against the aforesaid Judgment before the Sessions Judge and learned Sessions Judge also discussed the evidence available on record and came to the conclusion that the revision was devoid of any merit and accordingly dismissed the revision on 29.09.1999.

4. Heard Sri Manish Arora, learned counsel for the petitioner, learned A.G.A. and Sri Rajendra Singh, learned counsel for the respondents No. 2 and 3 and perused the record.

5. I do not find any illegality, impropriety or incorrectness in the judgments passed by the courts below. Both the courts below have recorded the concurrent findings of fact, refuting the allegations made by the complainant under Section 156(3) of the Cr.P.C.

6. I am not supposed to reassess the evidence while sitting in the jurisdiction of Section 482 Cr.P.C. I also do not find any abuse of process of court.

7. Therefore, the petition lacks merit and liable to be dismissed.

8. Accordingly, the petition is dismissed.

(B.C. Kandpal, J.)

12.07.2006
ASWAL